

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC;)	
MARTIN AFFILIATED, LLC,)	
Plaintiffs,)	Civil Case No. 19-cv-00736
v.)	Hon. Aleta A. Trauger
SPOTIFY USA INC.,)	
HARRY FOX AGENCY, LLC,)	
Defendants.)	JURY DEMAND
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SPOTIFY USA INC.,)	
Third-Party Plaintiff,)	
v.)	
KOBALT MUSIC PUBLISHING)	
AMERICA, INC.,)	
Third-Party Defendant.)	
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MOTION FOR ENTRY OF FINAL JUDGMENT

Third-Party Defendant Kobalt Publishing America, Inc. (“Kobalt”) respectfully moves the Court to enter final judgment on Defendant/Third-Party Plaintiff Spotify USA Inc.’s (“Spotify’s”) breach of contract, indemnification, and anticipatory repudiation claims (together, the “Claims”) against Kobalt, upon which judgment was not entered due to this Court’s Order, (ECF No. 705),

dated August 15, 2024, holding that adjudication of Spotify's fee and cost application would first be required.¹

Under applicable Supreme Court precedent, namely *Ray Haluch Gravel Co. v. Cent. Pension Fund of the Int'l Union of Operating Eng'rs*, 571 U.S. 177 (2014), if the only remaining issue on a claim is a determination of an award for attorney's fees, even those that are in the nature of damages on a breach of contract claim, a final judgment may be entered and an appeal taken unless the Court issues an order requiring determination of that fee award prior to entry of final judgment, consistent with Federal Rule of Civil Procedure 58(e). That is what occurred here. However as discussed in the accompanying Memorandum of Law, this Court may at any time reconsider that Order, and direct entry of final judgment on Spotify's Claims.

Given the policy objectives of Rule 58(e) cannot be obtained by delaying entry of final judgment, the fee application process will not be "speedy," and because further delay will cause substantial prejudice to Kobalt, Kobalt respectfully requests that the Court reconsider that portion of its Order delaying entry of judgment until the resolution of Spotify's attorney-fee damages, and instead direct entry of final judgment and permit Kobalt to appeal as of right.

Pursuant to Local Rule 7.1, counsel for Kobalt has conferred with counsel for Spotify regarding the instant request. Counsel for Spotify has advised that his client opposes the instant request.

Respectfully submitted,

s/ Robb S. Harvey
Robb S. Harvey (Tenn. BPR No. 11519)
David J. Zeitlin (Tenn. BPR No. 037664)
HOLLAND & KNIGHT LLP

¹ As this Court is aware, Kobalt moved to certify an interlocutory appeal on Spotify's Claims, which this Court granted; the Sixth Circuit denied Kobalt's petition for an interlocutory appeal. This motion seeks different relief.

511 Union Street, Suite 2700
Nashville, Tennessee 37219
(615) 244-6380
robb.harvey@hklaw.com
david.zeitlin@hklaw.com

Christine Lepera
(*pro hac vice application forthcoming*)
MITCHELL SILBERBERG &
KNUPP, LLP
437 Madison Ave., 25th Floor
New York, New York, 10022-7001
Tel. (212) 509-3900
Fax (212) 509-7239
Email: ctl@msk.com

Brian D. Caplan*
Robert W. Clarida*
Julie B. Wlodinguer*
REITLER KAILAS & ROSENBLATT LLP
885 Third Avenue
New York, New York 10022
Telephone: (212) 209-3050
bcaplan@reitlerlaw.com
rclarida@reitlerlaw.com
jwlodinguer@reitlerlaw.com

*admitted *pro hac vice*
Attorneys for Third-Party Defendant Kobalt
Music Publishing America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was submitted via the Court's ECF system on March 11, 2025, which is expected to provide notice to all counsel of record, including the following:

Richard S. Busch
Andrew H. Davis
David M. Niemierzycki
KING & BALLOW
26 Century Boulevard, Suite NT700
Nashville, TN 37214
(615) 259-3456
rbusch@kingballow.com
ddavis@kingballow.com
dniemierzycki@kingballow.com
Attorneys for Plaintiffs

Aubrey B. Harwell III (BPR #017394)
NEAL & HARWELL, PLC
1201 Demonbreun Street, Suite 1000
Nashville, TN 37203
Telephone: (615) 238-3526
Facsimile: (615) 726-0573
tharwell@nealharwell.com

Matthew D. Ingber (*pro hac vice*)
Rory K. Schneider (*pro hac vice*)
Allison Aviki (*pro hac vice*)
Alina Artunian-Giles (*pro hac vice*)
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 506-2500
mingber@mayerbrown.com
rschneider@mayerbrown.com
aaviki@mayerbrown.com
aartunian@mayerbrown.com

Kathleen M. Sullivan (*pro hac vice*)
Carey R. Ramos (*pro hac vice*)
Cory Struble (*pro hac vice*)
Rachel E. Epstein (*pro hac vice*)
Mario I. Gazzola (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor

Marie T. Scott (BPR # 032771)
Fisher & Phillips LLP
3310 West End Avenue, Suite 500
Nashville, Tennessee 37203
Telephone: (615) 488-2904
MTScott@fisherphillips.com

Andrew J. Pincus (*pro hac vice*)
Archis A. Parasharami (*pro hac vice*)
MAYER BROWN LLP
1999 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 263-3328
apincus@mayerbrown.com
aparasharami@mayerbrown.com

Thomas C. Rubin (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
600 University Street, Suite 2800
Seattle, WA 98101
Telephone: (206) 905-7000
tomrubin@quinnmanuel.com

New York, NY 10010
Telephone: (212) 895-2500
kathleensullivan@quinnmanuel.com
careyramos@quinnmanuel.com
corystruble@quinnmanuel.com
rachelepstein@quinnmanuel.com
mariogazzola@quinnmanuel.com

Allison L. Stillman (*pro hac vice*)
LATHAM & WATKINS LLP
885 Third Avenue
New York, New York 10022
Telephone: (212) 906-1200
Facsimile: (212)751-4864
Alli.Stillman@lw.com

Attorneys for Defendant and Third-Party Plaintiff Spotify USA, Inc.

Jay S. Bowen (BPR # 02649)	Chris LaRocco (<i>pro hac vice</i>)
Lauren E. Kilgore (BPR # 030219)	Matias Gallego-Manzano
Jacob Clabo (BPR #037360)	BRYAN CAVE LEIGHTON
BUCHALTER, PC	PAISNER LLP
1 Music Circle South, Suite 300	1290 Avenue of the Americas
Nashville, TN 37203	New York, New York 10104
Telephone: (616) 906-7922	Telephone: (212) 541-3163
jbowen@buchalter.com	chris.larocco@bclplaw.com
lkilgore@buchalter.com	matias.gallego-manzano@bclplaw.com
jclabo@buchalter.com	

Attorneys for Defendant Harry Fox Agency, LLC.

Michael C. Tackeff (BPR #036953)
Assistant United States Attorney
U.S. Attorney's Office (Nashville Office)
719 Church Street Suite
3300
Nashville, TN 37203
Telephone: (615) 736-5151
michael.tackeff@usdoj.gov

Attorneys for Interested Party, United States of America

Chetan A. Patil (BPR #999948)
U.S. Department of Justice
P.O. Box 883
Ben Franklin Station
Washington, D.C. 20044

Telephone: (202) 305-4968
Chetan.patil@usdoj.gov

Attorneys for Interested Party, United States of America

s/ Robb S. Harvey